IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

SOUTHERN DIVISION

NO. 7:09-CR-122-H NO. 7:11-CV-149-H

DERRICK DESHAWN NIXON,)

Petitioner,)

v.)

ORDER

UNITED STATES OF AMERICA,

Respondent.

On July 18, 2011, petitioner filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Inasmuch as defendant appears to be challenging his conviction based on the Supreme Court's recent decision in Carachuri-Rosendo v. Holder, 130 S. Ct. 2577 (2010), as applied in United States v. Simmons, 649 F.3d 237, 240 (4th Cir. 2011), this matter is referred to the Federal Public Defender for appointment of counsel pursuant to this court's October 18, 2011, Standing Order, 11-SO-3. The clerk is directed to serve the Federal Public Defender with a copy of this order.

This $\frac{9}{2}$ day of November 2011.

Senior United States District Judge

At Greenville, NC #31